



W.P.No.26709 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2023

CORAM :

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.26709 of 2017
and W.M.P.No.28432 of 2017

J.Dhayanidhi

.. Petitioner

VS

1.The Director of School Education,
DPI Campus,
College Road,
Nungambakkam, Chennai – 6.

2.The Joint Director (Secondary Education),
DPI Campus, College Road,
Nungambakkam, Chennai – 6.

3.The Chief Educational Officer,
Central Chennai, Panagal Building,
1st Floor, Saidapet, Chennai – 15.

4.The District Educational Officer,
Central Chennai, No.384, Anna Salai,
Todd Hunter Nagar,
West Saidapet,
Chennai – 15.

5.The Secretary cum Correspondent
The Besant Theosophical Higher Secondary School,
Arundale Nagar,
Chennai – 90.

.. Respondents

Petition filed under Article 226 of the Constitution of India
praying to issue a writ of certiorarified mandamus to call for the
records pertaining to the proceedings of the 5th respondent dated



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04.10.2017 and quash the same, illegal, incompetent and ultravires and consequently direct the fifth respondent to promote the petitioner to the post of B.T. Assistant (English).

For Petitioner : Mr.R.Jayaprakash
For Respondents : Mr.R.Neethi Perumal
Government Advocate
for R1 to R4
Mr.R.Prem Narayan for R5

ORDER

Writ petition has been filed in the nature of a certiorarified mandamus seeking a direction to call for the records relating to the proceedings of the fifth respondent, the Secretary cum Correspondent, the Besant Theosophical Higher Secondary School at Chennai, dated 04.10.2017 and quash the same and direct the said fifth respondent to promote the petitioner to the post of B.T. Assistant (English).

2. The petitioner had originally joined in the fifth respondent school as Craft Instructor in the year 1999. In the year 2009, a vacancy arose in the fifth respondent school for the post of B.T. Assistant (English).



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3. It is informed that the teacher who is so selected as B.T. Assistant (English) would take classes for X standard. The 10th standard is very crucial phase in any student's career as the marks obtained would be in an examination conducted by the State Board. Therefore, the competency of the teacher should be quite high so that the students benefit from that particular teaching.

4. The petitioner claims that he was eligible for such promotion.

5. On the other hand, the fifth respondent have contended that they conducted an interview with the petitioner and found that he was not upto the standard expected by them or did not qualify during the interview.

6. It is contended by the learned counsel for the petitioner that the petitioner is now taking classes for standards VII, VIII and IX in English.

7. At any rate, since any appointment by the fifth respondent will have to be approved by the fourth respondent / District Educational Officer and since the post for the Teacher in X



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standard / B.T. Assistant (English) cannot be permanently kept vacant, the following directions are issued:-

(i) The fifth respondent is directed to advertise for the post of eligible candidates to be appointed as B.T. Assistant (English) for teaching X standard students;

(ii) The manner in which the selection should be done is by a written examination and by an interview and the modalities thereof can be determined by the fifth respondent. The petitioner is also permitted to participate in the said competitive examination and even if he applies and for some reason, the application is not in order, still the fifth respondent may permit to participate in the selection process.

(iii) After assessing all those who had applied, the fifth respondent may chose the best candidate and thereafter forward the proposal to the fourth respondent / District Educational Officer, who may once again review the entire selection process and



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thereafter pass appropriate orders.

(iv) The entire process may be completed
on or before 30.11.2023.

8. No orders are passed on the impugned order since a direction has been given and the order lapses by itself. Writ petition stands disposed of. No costs. Connected miscellaneous petition is closed.

17.08.2023

Index:Yes/No
Neutral Citation:Yes/No
ssm

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C.V.KARTHIKEYAN,J.

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